

Minutes of the Wednesday, February 3, 2016 meeting of the New Jersey Department of Environmental Protection (DEP) Radiologic Technology Board of Examiners (Board) which convened at the Radiation Protection Element's Dr. Bruce Wilcomb Memorial Conference Room.

Present: April Dixon, R.T.(R), Chairperson
 Donald Denny, M.D. Vice Chairperson (Via phone from item 2 to adjournment)
 Catherine Boos, D.M.D. (Via phone from item 1 to item 6)
 Paul Cooper
 Jennie Lichtenberger, R.T.(R)(T)
 Donald Manger, D.P.M.
 Mary Moore (Via phone)
 Arthur Robinson
 Julie Timins, M.D.
 Wesley Van Pelt, Ph.D.

Absent: None

Vacancy: One hospital administrator
 One physician
 One public member
 One radiologic technologist
 One radiologist

Also Present: Jacobine Dru, DAG
 Thomas Harhay, Bureau of X-ray Compliance (Bureau)
 Albert Orlandi, Bureau Staff and Board Secretary

Guests: Merryl Fulmer, R.T.(R), Shore Medical Center
 Deborah Greer, R.T.(R), JFK Medical Center
 Elizabeth Price, R.T.(R), Rowan College at Burlington County
 Frank A. Preston, Advantage Career Institute
 Laura DiCola, American Institute
 Manfred Powell, Harris School of Business
 Dr. Nadia Din, D.P.M., Kadin Foot and Ankle Center
 Dr. Nicole Kaiser, D.P.M., Kadin Foot and Ankle Center

1. Call to Order

Ms. Dixon called the meeting of the Board to order at 9:35 a.m. Ms. Dixon announced that notice of the meeting was provided to the Secretary of State, designated personnel in the DEP and three newspapers. Additionally, a notice of this meeting was sent to all radiologic technology educational programs and individuals having business at this

meeting and was published on the Radiation Protection Element's website. Ms. Dixon also outlined the format for public discussion and comments.

2. Election of Chairperson and Vice Chairperson for 2016-2017

Nominations were opened for Chairperson. A motion was made by Dr. Timins and seconded by Ms. Moore to nominate Ms. Dixon as Chairperson. Hearing no other nominations, a motion was made by Mr. Robinson and seconded by Ms. Moore to close nominations and elect Ms. Dixon as Chairperson. This motion passed unanimously.

Nominations were opened for Vice-Chairperson. A motion was made by Dr. Timins and seconded by Ms. Moore to nominate Dr. Denny as Vice-Chairperson. Hearing no other nominations, a motion was made by Ms. Lichtenberger and seconded by Dr. Van Pelt to close nominations and elect Dr. Denny as Vice-Chairperson. This motion passed unanimously.

3. Appointment of Committee Members for 2016-2017

Ms. Dixon and Mr. Orlandi discussed the changes to the Board's list of Committees relating to the elimination of the "Enforcement Policies and Procedures Committee" and the creation of a new committee entitled "Fusion Imaging CT Technology". Mr. Orlandi explained the charges of this new Committee. Ms. Dixon read a resolution that established and charged the following committees of the Board:

- a. Credentials Committee
- b. Program Evaluation Committee
- c. Fusion Imaging CT Technology Committee
- c. ARRT Licensing Examination Committee
- d. State Licensing Examination Committee
- e. Legislative and Regulatory Affairs Committee

A motion was made by Dr. Timins and seconded by Ms. Lichtenberger to approve the resolution. The Board unanimously approved this resolution. Mr. Orlandi asked the membership to contact him if they wish to be appointed to a specific committee. Dr. Denny, Ms. Moore and Ms. Dixon expressed interest in serving on the Fusion Imaging CT Technology Committee. Appointments to committees will be made prior to the Board's May 2016 meeting.

4. Adoption of Board's Rules of Procedures for 2016-2017

A motion was made by Dr. Timins and seconded by Ms. Moore to adopt the Board's Rules of Procedure as written. This motion was unanimously approved.

5. Continued Review of July 29, 2015 Open and Closed Session Meeting Minutes

The July 2015 meeting minutes were not approved at the October 2015 meeting, since a quorum of members at the July meeting was not present at the October meeting. However, a motion was made and was seconded to approve the open and closed session meeting minutes as written. Four members who were at the July meeting voted in favor of the motion and 3 members who were not at the July meeting abstained.

At the February meeting, Dr. Manger, Mr. Cooper and Ms. Dixon voted in favor of approving the minutes. As result, the July open and closed session meeting minutes were approved by a majority vote (7 in favor, 0 opposed and 3 abstentions (Dr. Denny, Ms. Moore and Mr. Robinson)).

6. Review of October 29, 2015 Open and Closed Session Meeting Minutes

A motion was made by Dr. Timins and seconded by Dr. Van Pelt to approve the October 29, 2015 open session meeting minutes as written. By a majority vote (7 in favor, 0 opposed and 3 abstentions (Dr. Manger, Mr. Cooper and Ms. Dixon)), the Board approved this motion.

A motion was made by Dr. Timins and seconded by Ms. Lichtenberger to approve the October 29, 2015 closed session meeting minutes as written. By a majority vote (7 in favor, 0 opposed and 3 abstentions (Dr. Manger, Mr. Cooper and Ms. Dixon)), the Board approved this motion.

7. Chairperson's Report

Ms. Dixon thanked staff and the Board for its work and accomplishment in 2015 and to Dr. Denny for being vice chair.

8. Program Evaluation Committee Report

The following issues were presented to the Board by the Program Evaluation Committee. Below is a summary of the Board's action on each issue. Details regarding each issue are contained in the Committee's report. This report is saved as avo-9595.

a. Everest Institute (Everest) - School of Dental Radiologic Technology – New School Application - On-site Inspection Outcome:

The Committee reported that the school was inspected on December 14, 2015 and was found to be in compliance with its application and the Board's accreditation standards. As a result, the Committee recommended that provisional approval be removed and the school be fully approved. This recommendation was unanimously approved.

- b. Hudson County Community College (Hudson) - School of Diagnostic Radiologic Technology – New School Application - Compliance Plan Update:

The Committee reported that Hudson completed its compliance plan and its application is now in full compliance with the Board's accreditation standards. As a result, the Committee recommended that provisional approval be removed and the school be fully approved. This recommendation was unanimously approved.

- c. Burlington County Institute of Technology (BCIT) – School of Dental Radiologic Technology - Dental Radiography Instructor Request:

The Committee reported its findings regarding BCIT's request for approval of Ms. Annette Salvo as dental radiography instructor. The Committee recommended that the Board recognizes the 24 hours course entitled "Teaching Adult Learners" offered at Camden County College, as a course that satisfies the Board's requirement that a dental radiography instructor complete a course in educational theory and methodology. Additionally, the Committee recommended that Ms. Salvo be approved as a dental radiography instructor since she fulfills all other requirements. These recommendations were unanimously approved.

- d. Other Program Issues:

The Board was informed of three program issues not requiring Board action.

9. Credentials Committee Open Session Report

The following items were presented to the Board by the Credentials Committee. Below is a summary of the Board's action to each issue. Details regarding these issues are contained in the Committee's report. This report is saved as avo-9597.

- a. Initial License Application – Educational Program Completion Time Limit:

History:

At the July 2015 meeting, the Bureau discussed with the Board, its belief that a time limit on recognizing the completion of an educational program should be considered when considering an applicant's initial license eligibility who does not hold a Board recognized national certification. The Bureau believed that recent documented competent work experience should also be considered. The Board reviewed the Bureau's drafted four application scenarios using education and recent documented competent work experience and possible application outcomes. The Board was asked to submit comments to the Bureau.

Update:

The Committee reported that one comment was submitted. This member suggested that for scenario #3, a person who completed the educational program more than 5 years ago and has passed the examination within the last 5 years but had not documented competent work experience within the last 5 years, should be eligible for a license. As drafted the scenario would require the person to retake the educational program in order to document current clinical competency or document competent work experience before a license could be issued.

The Bureau explored the impact of Scenario #3 as written in the July 2015 report, since a New Jersey resident would not have the same opportunities to obtain documented competent work experience as an out-of-state applicant. The Bureau suggested to the Committee that, pursuant to N.J.A.C. 7:28-19.8(b), the Board could issue a conditional license that would allow time for an applicant living in New Jersey to verify his/her clinical competency.

The Bureau drafted a document entitled: "Conditional License and Attestation Statement Form" that could be used during the initial license application process for applicants in Scenario #3 and to track applicants during the time that the conditional license is valid.

The Committee found that the cognitive examinations that are currently approved by the Board may not result in an actual reflection of the applicant's ability to competently perform radiographic procedures. Therefore, the Committee believes that current documentation of competent work experience is an essential part of the initial license review process. The Committee recommended that the four application scenarios and outcomes as written in the July 2015 report be approved and used by the Bureau in reviewing initial license applications starting with new initial license applications received after June 30, 2016.

The Committee also found that applicants who fall into Scenario #3 and cannot demonstrate competent work experience in the last 5 year should have the opportunity to obtain a conditional license and recommended that the Board issue one conditional license for a period of 10 calendar days based on the applicant's submission and the Bureau's approval of a compliant "Conditional License and Attestation Statement Form".

There were no comments relating to the Committee's first recommendation. Although not opposed to the Committee's entire second recommendation, Dr. Van Pelt and a few other members questioned the time length of the conditional license and felt that 10 calendar days may not provide sufficient time for a doctor to verify the applicant's competency. A motion was made by Dr. Van Pelt and seconded by Dr. Timins to amend the Committee's second recommendation to allow the conditional license to be valid for 14 calendar days. By a majority vote of (5 in favor, 3 opposed (Ms. Dixon, Ms. Lichtenberger and Mr. Robinson) and 1

abstention (Dr. Denny), the motion was approved and the second recommendation was amended.

Heading no other comments, by a majority vote of (7 in favor, 1 opposed (Ms. Dixon) and 1 abstention (Dr. Denny) the Committee's first recommendation and the second amended recommendation were approved.

b. Examination Application - Program Completion Time Limit:

History:

At the July 2015 meeting, the Bureau discussed with the Board, its belief that a time limit on recognizing the completion of an educational program should be considered when considering an applicant's examination eligibility. The Bureau believed that recent documented competent work experience should also be considered. The Board reviewed Bureau drafted two scenarios using education and recent documented competent work experience and possible application outcomes. The Board was asked to submit comments to the Bureau.

Update:

The Committee reported that no comments were received. The Committee believes that current documentation of competent work experience is an essential part of the examination review process. The Committee recommended that the application scenarios and outcomes be approved and used by Bureau in reviewing examination applications starting with new applications received after June 30, 2016. This recommendation was unanimously approved.

c. Kenneth O'Hagan – Ethical Conduct Review:

The Committee reviewed the Bureau's investigational report which found that Mr. O'Hagan allowed his diagnostic radiologic technology license to expire on December 31, 2012 but he continued to work as a diagnostic radiologic technologist. Additionally, on October 20, 2014, when Mr. O'Hagan was questioned by his employer regarding the status of his license, Mr. O'Hagan altered his expired license to reflect a current 2014 license and provided that license to his employer. Mr. O'Hagan did properly renew his expired license on October 24, 2014 and his license is current until December 31, 2016. The Board was informed that the Bureau made three attempts to notify Mr. O'Hagan so that he could address the above findings. However, no response was submitted.

After a careful review of all information on file, the Committee found that Mr. O'Hagan did engage in the practice of diagnostic radiologic technology after his license expired on December 31, 2012 in violation of N.J.A.C. 7:28-19.3(a)1 and that Mr. O'Hagan altered his 2012 expired license to reflect a current license and

presented this license to employer, thus, held himself out as being currently licensed when he was not, in violation of N.J.S.A. 26:2D-27.b.

Pursuant to N.J.A.C. 7:28-19.3(p), these violations may result in a license sanction. The Committee recommended to the Board that it recommends to the Commission on Radiation Protection that an Administrative Order be issued that suspends Mr. O'Hagan's diagnostic radiologic technology license until a written response to the above violations is received and reviewed by the Board. Furthermore, failure to submit a response, within 60 calendar days of receipt of the Order, will result in the revocation of Mr. O'Hagan's license. This recommendation was unanimously approved.

d. Stella Dixon-Draper – Ethical Conduct Review:

These were two incidents that were reported regarding Ms. Dixon-Draper by the same employer. The following is a description of each incident and Board's action:

Regarding Incident #1:

The Committee reviewed the Bureau's investigational report regarding the incident that occurred in August 2015, in which Ms. Dixon-Draper made 3 x-ray exposures as part of an x-ray tube-warm-up procedure, while another licensed technologist was allegedly in the radiographic room. The Committee recommended that, since the location of the technologist, who was allegedly exposed, could not be clearly determined, the investigation be closed without violation or sanction. This recommendation was unanimously approved.

Regarding Incident #2:

The Committee reviewed the Bureau's investigational report regarding the incident that occurred in November 2015. At the meeting, Mr. Orlandi summarized the telephone conversation that he had on January 20, 2015 with the mother of the patient who had the radiographic procedure performed.

The Committee found that Ms. Dixon-Draper committed actions of unethical conduct in violation of N.J.A.C. 7:28-19.5(a)6 (i.e., acting in a negligent or incompetent manner relating to radiologic technology). Specifically, Ms. Dixon-Draper failed to verify that a physician's order for a radiographic procedure was made, prior to performing the procedure on the patient and failed to report this error to her radiology supervisor. The Committee recommended that an Administrative Order be issued that suspends Ms. Dixon-Draper's diagnostic radiologic technology license for 180 calendar days. As a condition for reinstatement of Ms. Dixon-Draper's license, within 180 calendar days of receipt of the Order, Ms. Dixon-Draper must submit to the Bureau proof of successful completion of a Department approved ethics course. Furthermore, failure to complete this course will result in the revocation of Ms. Dixon-Draper's license.

The Board had no comments regarding the Board's findings. Dr. Denny, Ms. Moore, Mr. Cooper and a few other members questioned if the radiology department has adequate policies and procedures for involving ordering procedures, patient verification and reporting of significant patient safety events and if staff were adequately trained.

Dr. Van Pelt and a few other members questioned the recommended sanction and felt that a license suspension was too severe. A motion was made by Dr. Van Pelt and seconded by Mr. Cooper that the Committee's recommended sanction be amended to a letter of reprimand without the required completion of an ethics course. By a majority vote of (8 in favor, 1 opposed (Mr. Robinson) and 0 abstentions), the motion was approved.

A motion was made by Dr. Denny and seconded by Ms. Lichtenberger that the Bureau refers the incident to the Department of Health for possible investigation and review of the policies, procedures and staff training involved in the ordering radiographic procedures, patient verification and reporting of significant patient safety events. This recommendation was unanimously approved.

10. Technologist Education and Licensing Section Report

The following issues were presented to the Board by Mr. Orlandi. Details regarding each issue are contained in the report. This report is saved as avo-9600

a. Program Changes:

Ms. Lichtenberger recused herself from this item, since a few of the program changes relate to her school. A motion was made by Dr. Van Pelt and seconded by Mr. Copper to accept the progress reports relating to 7 acting clinical supervisors named in the report and to approve them as clinical supervisors. By a majority vote (7 in favor, 0 opposed and 1 abstention (Dr. Timins who was not present during the vote)), the motion was approved

Mr. Orlandi informed the Board of several other program updates that do not require Board action.

b. Technologist Licensure Update:

As of January 27, 2016, there were 21,905 radiologic technologists and 1,098 nuclear medicine technologists (23,003 total technologists) licensed in New Jersey. Since July 1, 2015, 818 initial license applications have been processed.

c. Technologist Licensure Enforcement Activity Report:

From July 1, 2015 to January 27, 2016, the Section verified 3,655 licenses, of which, 31 individuals were found to have been working with either an expired

license (10) or no license (21). Additionally, the Bureau conducted 25 licensure complaints investigations. Since the October 2015 Board meeting, the Section processed 15 violations and conducted 13 investigations.

Mr. Orlandi reported on an investigation involving a dental assistant who forged a dental radiologic technology license to gain employment and used this license to illegally perform radiographic procedures in a dental office. In addition to an Administrative Order and Notice of Prosecution for \$2,900 that were issued, the Bureau has forwarded its findings to the Division of Criminal Justice for possible criminal prosecution.

The Board asked the Bureau to reach out to the dental community to express the importance of verifying the status of a dental assistant's x-ray license using the Bureau's 24/7 on-line verification program.

d. Update of Sanctioned Technologists:

All sanctioned technologists are in compliance with their Administrative Orders.

e. Update on Board Vacancies:

Mr. Robinson, Ms. Dixon and Mr. Orlandi updated the Board on the status of filling the existing five vacant positions on the Board.

11. Old Business

a. Subchapter 24 Update:

Mr. Orlandi reported that the public comment period regarding the proposed revisions to Subchapter 24 and Agreement State Program regulations ended on December 28, 2015. A total of 62 commenters submitted comments. A Notice of Adoption that includes a response to all comments was approved by the Commission on Radiation Protection at its January 20, 2016 meeting. The Notice and Briefing Documents are under the Governor's Office review. Once approved and signed by DEP Commissioner Martin, the Notice was to be published in the New Jersey Register (NJR). The target date for adoption is the March 7, 2016 NJR.

b. A3763

Mr. Orlandi reported that A3763 did not pass, prior to the adjournment of the 2014-2105 Session. A bill has not been introduced into the 2016-2017 Session.

12. New Businessa. 2015 ARRT Examination Results:

The Board reviewed a report containing diagnostic radiography, radiation therapy and nuclear medicine technology school results on the ARRT examinations for 2015. This report is saved as avo-9598. The following is a summary of New Jersey's performance in each license category:

- a. Diagnostic Radiography: Of the 253 students that graduated in 2015 from New Jersey's 16 schools of diagnostic radiologic technology, 238 individuals passed and 15 failed on their first attempt. New Jersey's mean score was 85.5 and the passing percentage was 94.1%. New Jersey's mean score and passing percentage continue to be above the ARRT's national values for the thirteenth consecutive year. No school had a passing percentage below 75%.
- b. Radiation Therapy: Of the 22 students that graduated in 2015 from New Jersey's 3 schools of radiation therapy technology, all passed on their first attempt. New Jersey's mean score was 85.3. New Jersey's mean score and passing percentage continue to be above the ARRT's national values. No school had a passing percentage below 75%.
- c. Nuclear Medicine Technology: Of the 17 students that graduated in 2015 from New Jersey's 2 schools of nuclear medicine technology, all passed on their first attempt. New Jersey's mean score was 88. New Jersey's mean score and passing percentage continue to be above the ARRT's national values.

b. 2015 New Jersey Dental Radiography Examination Results:

The Board reviewed a report containing dental radiography examination results for 2015. This report is saved as avo-9599. Of the 689 examinees from New Jersey's schools of dental radiologic technology, 537 passed and 152 failed on their first attempt. New Jersey's mean score was 461 and the passing percentage was 78%. 2015 was the seventh consecutive year of examination results using the Dental Assisting National Board's (DANB) nationally recognized Radiation Health and Safety (RHS) examination. New Jersey's mean score and passing percentage were slightly above DANB's national values. Eight schools were identified as having a passing percentage below the Board's standard of 75%. A letter will be sent to each school. The schools will be asked to perform a self-assessment of its program to identify possible causes for its lower performance in 2015.

13. Public Comments

Drs. Nadia Din and Nicole Kaiser discussed their concerns regarding the education and examination requirements for podiatric radiologic technologists in New Jersey. The doctors felt that the Board's current curriculum is excessive and suggested that an alternative curriculum like the programs taught in Connecticut, Pennsylvania and New York be approved. According to the doctors, these programs include at least 8 hours of in-person instruction in 11 content topics.

Mr. Orlandi presented the history of the podiatric radiologic technology licensure program in New Jersey. Currently, there are no approved schools, 30 licensed podiatric radiologic technologists and about 375 podiatric offices in New Jersey with x-ray equipment. Mr. Orlandi also stated that if the Board approves an alternative curriculum, the Board will need to recognize a new licensing examination, since the Board's approved 155 hour curriculum was written to include the content specifications of its current recognized licensing examination (i.e., ARRT's limited scope examination).

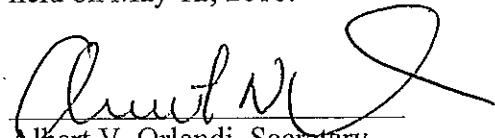
Ms. Dixon asked the doctors to submit an application with its alternative curriculum.

14. Closed Session

There were no business items needing closed session.

15. Adjournment

A motion was made by Mr. Cooper and seconded by Dr. Manger to adjourn at 11:55 a.m. This motion was unanimously approved. The next regular meeting of the Board will be held on May 12, 2016.



Albert V. Orlandi, Secretary
Radiologic Technology Board of Examiners

MAY 12, 2016

Date

My signature indicates that the above minutes of the February 3, 2016 Board meeting are reflective of the activities of such meeting and were approved by majority vote at a subsequent meeting of the Board as indicated by the date above.

